

MINUTES OF THE OPEN SESSION

OF THE RHODE ISLAND ETHICS COMMISSION

March 25, 2014

The Rhode Island Ethics Commission held its 5th meeting of 2014 at 9:00 a.m. at the Rhode Island Ethics Commission conference room, located at 40 Fountain Street, 8th Floor, Providence, Rhode Island, on Tuesday, March 25, 2014, pursuant to the notice published at the Commission offices, the State House Library, and electronically with the Rhode Island Secretary of State.

The following Commissioners were present:

**Ross Cheit, Chair Edward A. Magro
Frederick K. Butler James V. Murray
John M. LaCross Robert A. Salk***

Also present were Edmund L. Alves, Jr., Commission Legal Counsel; Kent A. Willever, Commission Executive Director; Katherine D'Arezzo, Senior Staff Attorney; Jason Gramitt, Education Coordinator/Staff Attorney; Staff Attorneys Nicole B. DiLibero and Amy C. Stewart; and Commission Investigators Steven Cross and Gary V. Petrarca.

At 9:01 a.m. the Chair opened the meeting. The first order of business was the approval of minutes of the Open Session held on

March 11, 2014. Upon motion made by Commissioner Magro and duly seconded by Commissioner Murray, it was unanimously

VOTED: To approve minutes of the Open Session held on March 11, 2014.

The next order of business was advisory opinions. The advisory opinions were based on draft advisory opinions prepared by Commission Staff for review by the Commission and were scheduled as items on the Open Session Agenda for this date. The first advisory opinion was that of:

Robert Crowe, a member of the Coventry Zoning Board of Review, requesting an advisory opinion regarding whether the Code of Ethics prohibits him from appearing before the Coventry Zoning Board of Review to obtain a dimensional variance for a mixed-use rental property that he has owned since 2009.

***Commissioner Salk arrived at 9:06 a.m.**

Staff Attorney Stewart presented the Commission Staff recommendation. The Petitioner was present along with his attorney, John S. Brunero, Jr., Esq. Upon motion made by Commissioner Murray and duly seconded by Commissioner Butler, it was

VOTED: To issue an advisory opinion, attached hereto, to Robert

Crowe, a member of the Coventry Zoning Board of Review.

AYES: John M. LaCross; James V. Murray; Edward A. Magro; Frederick K. Butler; Ross Cheit.

ABSTENTIONS: Robert A. Salk.

The next advisory opinion was that of:

Naomi Neville, a member of the Newport City Council, requesting an advisory opinion regarding whether the Code of Ethics prohibits her participation in City Council matters involving the Newport Preservation Society, given that a book that she co-authored is sold at the Newport Preservation Society's gift shop.

Staff Attorney Stewart presented the Commission Staff recommendation. The Petitioner was present. Staff Attorney Stewart informed that the Commission received two letters yesterday from people who saw that the Petitioner's advisory opinion was on the agenda. She stated that she reviewed these letters with the Petitioner and determined that the information did not change the staff's recommendation being presented to the Commission today. The Petitioner stated that she brought a copy of her book and a copy of her publishing contract to the meeting in the event that the Commission had any questions. She stated that the letters received by the Commission contained erroneous information regarding the

terms of her publishing contract, which she stated was a traditional book deal and not a vanity publishing. Upon motion made by Commissioner LaCross and duly seconded by Commissioner Magro, it was unanimously

VOTED: To issue an advisory opinion, attached hereto, to Naomi Neville, a member of the Newport City Council.

The next order of business was a legislative update regarding pending legislation presented by Staff Attorney Gramitt. He discussed Senate Resolution 2824 introduced by Senator James Sheehan. He stated that this Resolution would place a constitutional amendment on the November ballot to restore the jurisdiction of the Ethics Commission over members of the General Assembly. He explained that this resolution is different than the versions previously submitted this legislative session (S2034 and H7593) in two ways. First, although the Ethics Commission's jurisdiction is restored over conflicts relating to actions taken on legislation such as voting, introducing or sponsoring, this amendment would expressly exempt from investigation instances in which a legislator is simply offering a verbal or written opinion on a matter, or engaging in debate. Second, this proposal takes the current statutory appointment process for Commission members and places it into the Constitution. He noted that Common Cause Rhode Island has taken a position that it prefers S2034 and H7593, but that it would support passage of S2824. The consensus of the Commission was that Staff Attorney Gramitt should

testify before any legislative committees to voice the Commission's support for the resolution, in the same manner as he has been directed relative to the earlier proposals.

The next order of business was the Director's Report. Executive Director Willever reported that there were eight (8) complaints, two (2) advisory opinions, and one (1) litigation matter pending. He stated that six (6) APRA requests were granted since the last meeting, all of which were completed within one (1) business day.

The next matter was an adjudicative hearing in the matter of In re: Stephen A. Furtado, Complaint No. NF2013-11. The hearing was stenographically recorded and a transcript of the proceeding will be available at the Commission Offices. Commission Prosecutor Nicole B. DiLibero represented the People of the State of Rhode Island. The Respondent, Stephen A. Furtado, was present.

Upon the reading of the finding of probable cause by Chair Cheit, the Respondent admitted that he failed to timely file his 2012 financial disclosure statement. The Respondent asked for the imposition of a lower fine based on financial hardship. The Commission asked questions of both parties. Commission Prosecutor DiLibero informed that the Respondent completed a 2012 Financial Disclosure Statement prior to the meeting, which was accepted by the Commission for filing. She noted that the Respondent had an outstanding balance of \$200 from the settlement of a non-filing complaint in 2011. The Commission deliberated in open session

regarding the appropriate fine for this matter, in addition to the Respondent's outstanding balance from his prior complaint. Upon motion made and duly seconded, it was unanimously

VOTED: To find that the Respondent, Stephen A. Furtado, violated R.I. Gen. Laws § 36-14-16 by failing to timely file a 2012 Financial Disclosure Statement and to impose a penalty of \$700, to be paid in monthly installments of at least \$25. If the Respondent misses three (3) total payments, the matter will be sent to collections.

[Reporter's note: The total amount of \$700 reflects the imposition of a \$500 civil penalty for Complaint No. NF2013-11 and arrears of \$200 from prior Complaint NF2011-18.]

The next matter was an adjudicative hearing in the matter of In re: Micah J. Shapiro, Complaint No. NF2013-13. The hearing was stenographically recorded and a transcript of the proceeding will be available at the Commission Offices. Commission Prosecutor Nicole B. DiLibero represented the People of the State of Rhode Island. The Respondent, Micah J. Shapiro, was not present.

Commission Prosecutor DiLibero presented the case to the Commission. She offered Exhibit 1 as evidence, the affidavit of Michelle Berg, Ethics Commission Administrative Officer in charge of Financial Disclosure, along with five (5) attachments. Exhibit 1 was admitted as a full exhibit. She also offered Exhibit 2 as evidence, the

affidavit of Steven Cross, Ethics Commission Chief Investigator. Exhibit 2 was admitted as a full exhibit.

The Commission questioned Commission Prosecutor DiLibero. The Commission deliberated in open session. Upon motion made by Commissioner Murray and duly seconded by Commissioner Butler, it was unanimously

VOTED: To find that the Respondent, Micah J. Shapiro, violated R.I. Gen. Laws § 36-14-16 by failing to timely file a 2012 Financial Disclosure Statement and to impose a penalty of \$1500.

The final adjudicative hearing was in the matter of In re: Natalia Rosa-Sosa, Complaint No. NF2013-15. The hearing was stenographically recorded and a transcript of the proceeding will be available at the Commission Offices. Commission Prosecutor Katherine D'Arezzo represented the People of the State of Rhode Island. The Respondent, Natalia Rosa-Sosa, was not present.

Commission Prosecutor D'Arezzo presented the case to the Commission. She offered Exhibit 1 as evidence, the affidavit of Michelle Berg, Ethics Commission Administrative Officer in charge of Financial Disclosure, along with seven (7) attachments. Exhibit 1 was admitted as a full exhibit. She also offered Exhibit 2 as evidence, the affidavit of Steven Cross, Ethics Commission Chief Investigator, along with two (2) attachments. Exhibit 2 was admitted as a full

exhibit.

The Commission questioned Commission Prosecutor D'Arezzo. The Commission deliberated in open session. Upon motion made by Commissioner Magro and duly seconded by Commissioner LaCross, it was unanimously

VOTED: To find that the Respondent, Natalia Rosa-Sosa, violated R.I. Gen. Laws § 36-14-16 by failing to file a 2012 Financial Disclosure Statement and to impose a penalty of \$1500.

The next order of business was Executive Session. Legal Counsel Alves stated that the Commission could waive going into Executive Session because the only agenda item was the approval of the Executive Session minutes. There being no objection, the next order of business was the approval of the minutes of the Executive Session held on March 11, 2014. Upon motion made by Commissioner Magro and duly seconded by Commissioner LaCross, it was

VOTED: To approve the minutes of the Executive Session held on March 11, 2014.

AYES: John M. LaCross; James V. Murray; Edward A. Magro; Frederick K. Butler; Ross Cheit.

ABSTENTIONS: Robert A. Salk.

The next order of business was New Business. There being none, at 10:10 a.m. upon motion made by Commissioner Murray and duly seconded by Commissioner LaCross, it was unanimously

VOTED: To adjourn.

Respectfully

submitted,

John D. Lynch, Jr.

Secretary